

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**Game Time Laser Tag
Adventure, LLC,**

Plaintiff,

-V-

**Case No. 2:05-cv-1094
JUDGE SMITH
Magistrate Judge King**

MillsServices Corp.

and

**Tuttle Crossing Associates II
LLC,**

**Defendants and Third-Party
Plaintiffs,**

-V-

Karlton P. Williamson

and

**Karlton P. Williamson, Executor of
the Estate of Victoria Williamson,**

Third-Party Defendants.

ORDER

**MillsServices Corp. and Tuttle Crossing Associates II LCC
(collectively, “Mills”) move to remand this action to state court
on the ground that it was wrongfully removed by third-party**

defendant Karlton D. Williamson, Executor of the Estate of Victoria Williamson (“Williamson”). The Sixth Circuit has ruled that a third-party defendant may not remove a state court action to federal court. First Nat’l Bank of Pulaski v. Curry, 301 F.3d 456 (6th Cir. 2002). Moreover, the motion to remand is unopposed. Indeed, Williamson has filed a notice (Doc. 6) purporting to withdraw the removal petition.

The Court GRANTS Mills’ motion to remand (Doc. 4). The Court REMANDS this action to the Court of Common Pleas of Franklin County, Ohio.

Mills may file a petition and affidavit for attorney fees and expenses within twenty-one days after the date of this order.

The Clerk shall remove this case from the Court’s pending cases list.

The Clerk shall remove Doc. 4 from the Court’s pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT